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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,629	10/17/2003	Thomas G. Hallin	CE11809W	1943

23330 7590 05/17/2006

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EXAMINER
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TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,629	<b>Applicant(s)</b> HALLIN ET AL.	
	<b>Examiner</b> Benny Q. Tieu	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (U.S. Published Patent Application No. 2002/0071396).

Regarding claim 1, Lee et al. teach a vocoder selection method for providing communication compatibility of an originator with a terminator and vice-versa, the vocoder selection method comprising the steps of:

requesting by the originator through a communication network to a call controller for a connection to the terminator (see paragraphs [0023] and [0041]);

determining by the call controller whether a transcoder is required for the connection between the originator and the terminator (see paragraph [0043]); and

if the transcoder is required, inserting the transcoder by the call controller into the connection (see paragraph [0043]).

Regarding claim 5, see paragraph [0042].

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3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Reddy et al. (U.S. Patent No. 6,243,590).

Regarding claims 1-4, Reddy et al. teach a method and apparatus for a mobile telephone with the capability to handle calls using code division multiple access (CDMA) using one of at least two vocoder types, where the mobile telephone will adjust the type of vocoder being used to originate calls to match the capabilities of the base station that is providing service for the mobile telephone. (column 2, lines 46-53). Further, Reddy et al. teach that the controller 110 signals a set of index registers 108 to generate an index value that selects a vocoder type value from the vocoder type table 200 (column 3, lines 11-15).

Regarding claim 5, see column 2, lines 58-61.

Regarding claims 6 and 7, Reddy et al. further teach the vocoder selection method wherein there is further included a step of acknowledging by the call controller to the originator and the terminator for the connection with the terminator (column 3, lines 16-29).

Regarding claim 8, it is inherent if the step of determining by the call controller indicates that the transcoder is not required, there is further included a step of instructing by the call controller the communication network to make the connection directly between the originator and the terminator as a conventional manner.

Regarding claim 9, Reddy et al. further teach the vocoder selection method wherein the step of requesting by the originator includes a step of transmitting a set of vocoder capabilities of the originator to the call controller (column 3, lines 9-15).

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Regarding claim 10, Reddy et al. further teach the vocoder selection method wherein there is further included a step of transmitting a set of vocoder capabilities of the terminator to the call controller (column 2, lines 47-53).

Regarding claim 11, Reddy et al. further teach the vocoder selection method wherein the step of inserting the transcoder by the call controller into the connection includes a step of selecting by the call controller a transcoder for providing communication capability of the originator and the terminator (column 4, lines 6-23).

Regarding claims 12, 13 and 15, it is noted the communication network is using CDMA.

Regarding claim 14, it is inherent or at least obvious that the communication network includes a wide area network.

Regarding claims 16-20, the limitations of the claims are rejected for the same reasons as set forth in the rejection of claims 1-15 above.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmidt et al. (U.S. Patent No. 5,682,416) teach a method and apparatus communication handover in a communication system. Proctor et al. (U.S. Patent No. 5,898,696) teach a method and system for controlling an encoding rate in a variable rate communication system. Janky (U.S. Patent No. 6,014,375) teaches an TDMA radio protocol with adaptive vocoder selection. Proctor et al. (U.S. Patent No. 6,049,537) teach a method and system for controlling speech encoding in a communication system. Pan et al. (U.S. Patent No. 6,944,137) teach a method and apparatus for a talkgroup call in a wireless communication system. Steijer et al. (U.S. Published Patent Application No. 2001/0004596) teach a radio communication network and a method and control apparatus in the network. Lee (U.S. Published Patent Application No. 2003/0043814) a PCM call -processing apparatus and method for mobile communication system.

5. Any response to this action should be mailed to:

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Or faxed to:

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Hand-delivered responses should be brought to:

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (571) 272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Benny Q. Tieu', with a stylized, cursive script.

Benny Q. Tieu  
Primary Examiner  
Art Unit 2614  
May 12, 2006